

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 28, 2006

**What's Inside:**

- Emergency rule filed for foster home licensing
- Placement preferences information to be collected on all licensed homes.

**M E M O R A N D U M**

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND  
CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, INTERIM DIRECTOR

SUBJECT: FOSTER HOME LICENSING EMERGENCY RULE

REFERENCE: CHILDREN'S DIVISION

DISCUSSION:

On Tuesday, July 18, 2006, the Children's Division filed an emergency foster home licensing rule with the Secretary of State's Office which clarifies home study information to be obtained from foster parent applicants. Additionally, the rule addresses how such information is to be organized and used as placement recommendations and decisions are made. The emergency statement included in 13 CSR 35-60.030 states "*In order to adequately protect the children who have been placed in the Division's custody, the Division must set criteria and standards for the foster homes which care for these children. These homes provide 24 hour care for children and safety of the children must be assured at all times. The current rule does not sufficiently state the requirement that the Division make placement decisions based on the compelling issue of the child's best interest. The Promulgation of this emergency rule is necessary to preserve the compelling government interest in protecting children...*" The change to 13 CSR 35-60.030 is as follows:

6. Personal Information Elicited in the Homestudy shall include, but not be limited to;
  - A. Family size and household composition of the foster family
  - B. Ethnic and racial background of the foster family
  - C. Religious preferences and practices of the foster family
  - D. Lifestyles and practices, including sexual orientation, of the foster parents
  - E. Educational practices of the foster family
  - F. Employment of the foster parents
7. Parenting Skills Information Elicited in the Homestudy.

- A. Foster parent structures environment so that it is safe and healthy for the child.
  - B. Foster parent expresses positive feelings toward the child verbally and physically.
  - C. Foster parent recognizes and responds appropriately to the child's verbal and physical expressions of needs and wants.
  - D. Foster parent consistently uses appropriate techniques to discipline the child and does not use or will not use corporal punishment on any child in the custody of the Division.
  - E. Foster parent guides the child toward increasing independence.
  - F. Foster parent behaves in a way that recognizes the immaturity of the child.
8. The information gathered by the Division in the licensing study will comprise a foster home portfolio which will be available to team members when children are placed into the care of the Division, in order for placement decisions to be made in the best interests of the child based on a totality of the circumstances.

These modifications will bring the Division's practice into compliance with the court's ruling in the Lisa Johnston V. Department of Social Services case. As you know, the Division has had a long standing policy not to knowingly license individuals who declared their sexual orientation to be homosexual. The court's recent ruling prevents the Division from denying a license to any individual based solely upon their sexual orientation. As a result, the Division will license an individual or married couple who meet the criteria for licensure, regardless of sexual orientation. Only one license will be issued per household. The Division will continue its policy not to license unmarried individuals as a couple.

Staff are to accept for consideration any application for licensure. Through the assessment process, the above information should be elicited and a file with this information shall be maintained on all persons licensed to provide foster care. The information contained in the file should be available to the Family Support Team and should be utilized when matching children to appropriate foster homes.

Other changes to the Foster Home licensing rules are being proposed and these proposed changes were also filed with the Secretary of State's Office. These changes must first go through the promulgation process before becoming effective. The emergency rule will go through the same promulgation process; however, the change made in this rule becomes effective immediately upon filing. The promulgation process may take up to 6 months to complete. The proposed changes are first filed, and then the Secretary of State's office has 30 to 45 days to post the proposed changes in the Missouri Register. Once posted in the Register, the proposed changes will be available for public comment for a minimum of 30 days. Once the public comment period has ended, the Department has 90 days to act on the proposed changes. The rule changes become effective at the end of the 90 day period unless the Department does not act upon them or chooses to withdraw the proposed rule changes.

Manual and form changes in regard to the emergency rule will be forthcoming. The emergency rule was effective as August 4, 2006 and staff are expected to accept all

applications for licensure. As always, staff should continue to maintain a complete file on all licensed homes for consideration in placement decisions.

<b>NECESSARY ACTION:</b>  1. Review this memorandum with all Children's Division staff. 2. Share the information provided in this memorandum with all currently licensed homes. 3. All questions should be cleared through normal supervisory channels and directed to:	
<b>PDS CONTACT:</b> Stefanie Wickers 573-751-1354 <a href="mailto:Stefanie.D.Wickers@dss.mo.gov">Stefanie.D.Wickers@dss.mo.gov</a>	<b>PROGRAM MANAGER:</b> Cindy Wilkinson 573-751-3171 <a href="mailto:Cindy.R.Wilkinson@dss.mo.gov">Cindy.R.Wilkinson@dss.mo.gov</a>
<b>CHILD WELFARE MANUAL REVISIONS:</b> Forthcoming	
<b>FORMS AND INSTRUCTIONS:</b> Forthcoming	
<b>REFERENCE DOCUMENTS and RESOURCES:</b> N/A	
<b>RELATED STATUTE:</b> N/A	
<b>ADMINISTRATIVE RULE:</b> 13 CSR 35-60.030	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS:</b> N/A	
<b>PROGRAM IMPROVEMENT PLAN (PIP):</b> N/A	
<b>SACWIS REQUIREMENTS:</b> N/A	